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NEIFELD IP LAW, PC  
CRYSTAL PLAZA 1, SUITE 1001  
2001 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/619,134

Applicant(s)

DAY ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 102-211 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 102-211 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 102-211 have been examined.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 102-211 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett (6,321,208).

Claims 102, 148, 194, 195, 196, 197, 198, 199, 200, 201, 202, 206, 210, 211: Barnett discloses a computer implemented method, system comprising the steps of:

transmitting a customer's customer identification from a kiosk to a computer (col 3, lines 35-45; col 4, lines 48-60; col 14, lines 15-30), said computer in communication with at least one database (1) containing incentive offer criteria associated with an identification of a product and (col 8, lines 14-25; col 11, lines 24-30; col 4, lines 40-49) (2) containing customer shopping habit data associated with said customer identification (col 8, lines 33-38; col 12, lines 37-63; col 13, lines 24-35);

determining incentive offer criteria satisfied by said customer's customer shopping habit data (col 8, lines 14-22; col 12, lines 37-63);

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communicating to said kiosk an incentive offer for said product associated with said incentive offer criteria satisfied by said customer's customer shopping habit data (col 9, lines 45-67; col 12, lines 37-63);

inputting at a POS terminal of a retail store a customer identification in association with an identification of an item of a product being purchased by said customer (col 7, lines 35-55; col 4, lines 64-67; Fig. 1); and

providing said incentive to said customer when said customer purchases said product at said POS terminal (col 4, lines 64-67; Fig. 1).

Barnett does not explicitly disclose that the personal computer where the coupons are selected can be a kiosk. Barnett does disclose that the coupon obtainment device can be wired or wireless (col 13, lines 35-45; col 6, lines 35-45) and thus flexible as to its location. Barnett further discloses a kiosk where coupons can be selected and obtained (col 3, lines 35-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's coupon selection and obtainment device or computer can be a kiosk. One would have been motivated to do this because a kiosk is a convenient way of obtaining coupons.

Barnett further discloses the step of determining incentive offers for said customer based upon product stock availability (col 10, lines 31-38; col 10, lines 20-25) and that items in stock and coupons can be correlate along with customer shopping habit data (col 10, lines 22-25; col 10, lines 27-30; col 10, lines 44-47).

Barnett further discloses that a supervisor computer can transfer incentive information to a store level computer (Fig. 1).

Barnett further discloses displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon whether said customer's customer shopping habit data meets said incentive offer criteria (col 10, lines 1-30; col 12, lines 37-62).

Barnett further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria; ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16).

Claims 103, 104, 105, 106, 107, 149-153: Barnett discloses the method, system as in claims 102, 148. Barnett further discloses possessing information on the layout of the store (col 10, lines 30-37). Barnett discloses a kiosk that is separate from the POS terminal (Fig. 1). Barnett does not explicitly disclose the location of the kiosk. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's kiosk can be located in a location that is convenient to the user. The location of the kiosk in or near the store is a design decision which does not affect the method steps performed. One would have been motivated to locate the kiosk at a user convenient location so that the user's coupon obtainment is convenient.

Claim 108, 109, 110, 154, 155, 156: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses the step of reading said customer identification into a customer interface of said kiosk (col 14, lines 16-20; col 14, lines 27-30). Barnett

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further discloses a dumb terminal and an interactive terminal (col 3, lines 35-45; col 8, lines 51-59).

Barnett does not explicitly disclose that the interface has a touch screen interface. However, Barnett does disclose a kiosk (col 3, lines 35-45) and a computer with an interface with a variety of inputs pointing mechanisms that are standard to computers (col 8, lines 51-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's interface with variety of input pointing mechanisms can utilize a touch screen. One would have been motivated to do this because touch screens are standard in the industry and allow a user convenient information input.

Claim 111, 112, 113, 157-159: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses communicating to said kiosk an incentive offer for said product comprises printing said incentive offer (col 3, lines 35-40; col 7, lines 5-11). Barnett further discloses that the coupons can be printed at a variety of locations (col 2, lines 64-67; col 3, lines 35-40; col 3, lines 45-50).

Barnett further discloses that any type of printer can be utilized by the system (col 7, lines 5-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's printer can be a thermal printer or a printer that can print at a rate of at least 500 lines per minute. One would have been motivated to do this because effective printers are beneficial to a user's satisfaction.

Claim 114, 160: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses:

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selecting an identification of a product on a kiosk (col 10, lines 1-47), wherein said computer is in communication with a database containing data in association with product identification (col 10, lines 30-47); and transmitting said product's information from said computer to said kiosk (col 10, lines 34-44; col 10, lines 30-47).

Barnett does not explicitly disclose that item information includes item price information.

However, Barnett discloses displaying and organizing product and shopping list item information at the kiosk (col 10, lines 30-47) and that the items can be sorted by a variety of categories (col 10, lines 31-40), and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information.

Barnett does not explicitly disclose that the identified product is transmitted from the kiosk to a computer.

However, Barnett discloses transmitting the selected coupon information to the computer directly (col 4, lines 64-67). Barnett further discloses that the shopping list and coupon selection lists can be merged (col 10, lines 28-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's can transmit his item selection information to the computer from the kiosk when he transmits his coupon selection information. One would have been motivated to do this so that the shopping list can be readily available at the store where the

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consumer is going to shop in the same way that Barnett discloses that the coupons can be readily available (via electronic transmission) at the store where the consumer is going to shop.

Claim 115, 161: Barnett discloses the method, system according to claim 114, 148.

Barnett does not explicitly disclose displaying product's price data at said kiosk.

However, Barnett discloses displaying product and shopping list item information at the kiosk (col 10, lines 30-47, col 11, lines 24-30) and that the items can be sorted by a variety of categories (col 10, lines 31-40) and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information.

Claim 116, 162: Barnett discloses the method according to claim 102, 148 and further discloses that said POS terminal is spaced apart from said kiosk (Fig. 1).

Claim 117, 118, 163, 164: Barnett discloses the method, system according to claim 102, 148 and further discloses that said step of inputting comprises reading said customer identification at said POS terminal (col 11, lines 1-25), wherein said step of inputting comprises reading an identification of said product (col 11, lines 1-25; col 11, lines 39-44; col 7, lines 12-21).

Claim 119, 165: Barnett discloses the method, system according to claim 102, 148 and further discloses that said computer is a store level computer and further comprising the step of



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transmitting incentive offer criteria from a supervisory computer to said store computer (col 13, lines 1-10).

Claim 120, 121, 166, 167: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of displaying at said kiosk a list of incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data, further comprising the step of displaying at said kiosk a list of all incentive offers for products associated with incentive offer criteria satisfied by said customer's customer shopping habit data (col 10, lines 1-30; col 12, lines 37-62).

Claim 122, 168: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of displaying at said kiosk a list of incentive offers for products (1) associated with incentive offer criteria satisfied by said customer's customer shopping habit data and (2) that meet criteria independent of said customer's shopping habit data (col 10, lines 1-30; col 12, lines 37-62).

Claim 123, 124, 125, 169-171: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of setting a time limit to said incentive offer (col 13, lines 18-20), wherein said time limit is on the order of a few hours, wherein said time limit is about 3 hours (col 13, lines 17-21). Barnett does not explicitly disclose that the time limit can be set to a few hours. However, Barnett discloses that the coupons can be adjusted to better fit certain conditions (col 12, lines 37-63; col 13, lines 24-35). Therefore, it is obvious that the time limit can be set to any favorable amount of time. One would have been motivated to do this so that coupons better incite customers to make immediate or timely purchases.

Claim 126, 127, 172, 173: Barnett discloses the method, system according to claim 102, 148, and further discloses the step of determining incentive offers for said customer based upon product stock availability (col 10, lines 31-38; col 10, lines 20-25), further comprising determining incentive offers for said customer based upon a quantity of said customer's customer shopping habit data associated with said customer's customer identification stored in said database (col 10, lines 1-30; col 12, lines 37-62).

Claim 128, 174: Barnett discloses the method, system according to claim 102, 148 and further discloses limiting a number of incentive offers communicated to said kiosk for said customer to a predetermined number (col 3, lines 44-52).

Claim 129, 175: Barnett discloses the method, system according to claim 102, 148 and further discloses displaying at said kiosk for said customer (1) broadcast special offers and (2) offers that depend upon whether said customer's customer shopping habit data meets said incentive offer criteria (col 10, lines 1-30; col 12, lines 37-62).

Claim 130, 176: Barnett discloses the method, system according to claim 102, 148 and further discloses displaying at said kiosk for said customer broadcast special offers to said customer only if less than a predetermined quantity of customer shopping habit data associated with said customer identification is stored in said database (col 9, lines 1-33; col 10, lines 1-30; col 12, lines 37-62).

Claim 131, 177: Barnett discloses the method, system according to claim 122, 148 and further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

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ranking said product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria;

displaying, based upon said ranking, a predetermined number of the ranked incentive offers at said kiosk to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16).

Claim 132, 133, 134, 178-180, 203-205, 207-209: Barnett discloses the method, system according to claim 131, 177, 202, 206. Barnett further discloses storing the value of incentives and that the incentives can be sorted by a variety of categories (col 10, lines 1-16; col 11, lines 24-30). Barnett further discloses that product information can be stored on the coupon (col 11, lines 24-30), that the product information comprises whether an item is available (col 10, lines 34-37), and that all forms of information about a store can be downloaded (col 10, lines 38-46) and that information about the items selected can be downloaded (col 10, lines 27-30; col 10, lines 34-36).

Barnett does not explicitly disclose that item information includes item price information.

However, Barnett discloses displaying and organizing product and shopping list item information at the kiosk (col 10, lines 30-47) and that the items can be sorted by a variety of categories (col 10, lines 31-40), and that manufacturers are aware of the prices of their and competitor's items (col 1, lines 50-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's item information can include price information. One would have been motivated to do this because price information is obvious product item information.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Barnett can rank the incentives by the product information contained in the shopping list. One would have been motivated to do this so that the customer can organize his coupons how he prefers.

Claim 135, 181: Barnett discloses the method, system according to claim 102, 148 and further discloses the steps of determining a number of product incentive offers for which said customer's shopping habit data satisfies said incentive offer criteria; providing at said kiosk a first predetermined number of said incentive offers to said customer; and providing at said kiosk a second predetermined number of broadcast incentive offers to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16).

Claim 136, 137, 182, 183: Barnett discloses the method, system according to claim 102, 148 and further discloses the step of downloading to said POS terminal a list containing identifications of all products for which incentive offer criteria associated with an identification of a product are stored in said database (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16), further comprising the step of downloading to said POS terminal a list containing identifications of all products for which incentive offers are available to said customer (col 9, lines 15-22; col 10, lines 1-30; col 12, lines 37-62; col 10, lines 1-16).

Claim 138, 139, 140, 184-186: Barnett discloses the method, system according to claim 102, 148 and further discloses that customer shopping habit data comprises incentive receipt data for said customer's receipt of incentives, wherein said customer shopping habit data comprises a quantity of incentive offers for a product provided to said customer (col 11, lines 17-30; col 12,

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lines 37-62), wherein said customer shopping habit data is associated with an indication of a household associated with said customer (col 6, lines 49-51; col 12, lines 40-45).

Claim 141, 187: Barnett discloses the method, system according to claim 140, 186 and further discloses the step of providing the customer means to opt out of having incentive offer criteria being based upon household identification (col 6, lines 49-51). Barnett discloses that the incentives can be targeted to an individual user, therefore, it is inherent that the user can select whether to offer only an individual user information or household information.

Claim 142, 188: Barnett discloses the method, system according to claim 102, 148 and further discloses that said incentive offer criteria associated with an identification of a product comprises a time after which said incentive offer is no longer available (col 13, lines 17-21).

Claim 143, 189: Barnett discloses the method, system according to claim 102, 148 and further discloses the steps of classifying products by category (col 10, lines 17-46) and that item and manufacturer information can be tracked (col 10, lines 34-46; col 11, lines 26-30). Barnett further discloses that coupon packages can be assembled and varied based on a wide variety of criteria limiting incentive offers for products in a category to one manufacturer (col 12, lines 37-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's category information can include manufacturer as a category. One would have been motivated to do this because manufacturer is an obvious piece of item information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's wide variety of coupon packages can include coupons

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from just one manufacturer in one category. One would have been motivated to do this to encourage the user to try a new or different brand (col 1, lines 50-55).

Claim 144, 190: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses that user shopping habits at a store can be tracked and recorded (col 10, lines 35-47), that the location of processes and computers can be flexibly placed (col 13, lines 1-10; Fig. 1), that consumer demographics, habits, and history can be tracked and analyzed (col 12, lines 37-63), that the customer selects a specific store when he creates a shopping list (col 10, lines 42-45).

Barnett does not explicitly disclose that the shopping list information is transmitted from the kiosk to the computer.

However, Barnett discloses transmitting the selected coupon information to the computer directly (col 4, lines 64-67). Barnett further discloses that the shopping list and coupon selection lists can be merged (col 10, lines 28-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett's can transmit his item selection information to the computer from the kiosk when he transmits his coupon selection information. One would have been motivated to do this so that the shopping list information can be readily available at the store where the consumer is going to shop in the same way that Barnett discloses that the coupons can be readily available (via electronic transmission) at the store where the consumer is going to shop.

Claim 145, 146, 147, 191-193: Barnett discloses the method, system according to claim 102, 148. Barnett further discloses that coupons can be issued to entice a first time customer (col

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1, lines 50-55), that a consumer use of coupons can be tracked and the coupons sent to the user can be varied in response to this tracking (col 12, lines 50-63), and that the value of a coupon can be varied depending on the demographics and usage habits of a user (col 13, lines 24-35).

Barnett further discloses that the purchases made by the user utilizing a coupon can be tracked (col 12, lines 30-36), that the coupon redemption at time of purchase patterns over time can be tracked (col 12, lines 61-64), and that the customer's buying habits in general can be tracked (col 13, lines 27-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Barnett can vary the value of a coupon to entice a first time customer or that a coupon can be varied based on time since a customer's last purchase. One would have been motivated to do this so that a customer will try a product for the first time and possibly then become a regular user or so that an idle customer can be enticed to make a purchase (col 1, lines 53-55).

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Spector (5,176,224) discloses a coupon dispenser;
- b. Larson (5,708,782) discloses a coupon dispenser;
- c. Nichtberger (4,882,765) discloses a coupon dispenser (in the IDS);
- d. DeLapa (6,076,688) discloses a coupon deliver system;
- e. Deaton (6,292,786) discloses an incentive producing system;

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f. Von Kohorn (5,227,874) discloses a method for delivering coupons.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AID

March 20, 2003

  
James W. MYHRLE  
Primary Examiner  
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